

Attachment to
Enclosure

USIB-D-71.8/3

8 December 1975

USIB POLICY ON RELEASE
OF FOREIGN INTELLIGENCE TO CONTRACTORS^{1/}

1. In order that the member agencies may more effectively discharge their responsibilities and without intent to limit such broader authority or responsibility as any may now have under law, NSC Directive, or special agreements among them, the United States Intelligence Board is agreed that selected intelligence^{2/} may be made available by recipient USIB members or their designated subordinates to certain contractors without referral to the originating agency, provided that:

a. Release^{3/} shall be limited to private individuals (including consultants) or organizations certified by the sponsoring member of the United States Intelligence Board

^{1/}General policy is set forth in DCID No. 1/7, Control of Dissemination of Foreign Intelligence approved 7 August 1975 (effective 5 October 1975).

^{2/}This Directive deals solely with foreign intelligence, which for purposes of this Directive, is defined as information reports and intelligence produced and disseminated by CIA, INR/State, DIA, NSA, ACSI/Army, Naval Intelligence Command, ACSI/Air Force, ERDA and the military commands. This specifically excludes Foreign Service reporting and Sensitive Compartmented Information* (SCI). Permission to release Foreign Service reporting must be obtained from the Department of State, and permission to release SCI must be obtained from its originator. SCI is covered specifically by paragraph 3 of this Directive, in that it bears one or more codewords or special instructions which dictate handling in special dissemination channels.

^{3/}Release is the visual, oral or physical disclosure of classified intelligence material.

* The term "Sensitive Compartmented Information" as used in this Directive is intended to include all information and materials bearing special community controls indicating restricted handling within present and future community intelligence collection programs and their end products for which community systems of compartmentation have been or will be formally established. The term does not include Restricted Data as defined in Section II, Public Law 585, Atomic Energy Act of 1954, as amended.

as being under contract to the United States Government for the purpose of performing classified services in support of the mission of a member agency^{4/}, his department or service, as having a need-to-know, and as possessing the required security clearances.

b. The responsibility for ensuring that releases to contractors are made pursuant to this policy statement shall rest with the sponsoring member of the USIB (i.e., the Chief of the USIB intelligence component seeking release on his own behalf or on behalf of a component within his department or service) or his designee^{5/}.

c. The agency releasing the intelligence material shall maintain a record of the material released and shall upon request report such releases to the originating agency.

d. Intelligence material released to a contractor does not become the property of the contractor and can be withdrawn from him at any time. Upon expiration of the contract, the releasing agency shall assure that all intelligence materials released under authority of this agreement and all other materials of any kind incorporating data from such intelligence materials are returned to the releasing agency for final disposition.

^{4/} Non-USIB Government components under contract to fulfill an intelligence support role, may be treated as members of the intelligence community rather than as contractors. When so treated, it shall be solely for the specific purposes agreed upon, and shall in no case include authority to disseminate further intelligence material made available to them.

^{5/} Releasing agencies are required to delete: a) the CIA seal, b) the phrase "Directorate of Operations" and c) the source description from all CIA/Clandestine Services reports passed to contractors, unless prior approval to release such information is obtained from CIA.

e. Contractors receiving intelligence material will not release the material (a) to any activity or individual of the contractor's organization not directly engaged in providing services under the contract, nor (b) to another contractor (including a subcontractor), government agency, private individual or organization without the consent of the releasing agency (which shall verify that the second contractor has a need-to-know and meets security requirements).

f. Intelligence material will not be released to foreign nationals whether or not they are also consultants, US contractors or employees of contractors, and regardless of the level of their security clearance, except with the specific permission of the originating agency.

g. Contractors shall be required to maintain such records as will permit them to furnish on demand, the names of individuals who have had access to intelligence materials in their custody.

h. Contractors may not reproduce any material released without the express permission of the agency having contractual responsibilities. All requirements for control and accountability for original documents as indicated above shall apply equally to copies made.

2. The following intelligence materials shall not be released to contractors:

National Intelligence Estimates (NIEs), Special National Intelligence Estimates (SNIEs), National Intelligence Projects for Planning (NIPPs), National Intelligence Analytic Memoranda, and Interagency Intelligence Memoranda are not releasable and hence shall bear the NOT RELEASABLE TO CONTRACTORS OR CONTRACTOR/CONSULTANTS stamp. However, information contained therein may be made available, without identification as national intelligence, over the byline of the USIB member authorizing its release.

3. The following intelligence materials shall not be released to contractors unless special permission has been obtained from the originator:

Materials which by reason of sensitivity of content bear special markings, such as NOT RELEASABLE TO CONTRACTORS OR CONTRACTOR/CONSULTANTS or CAUTION - PROPRIETARY INFORMATION INVOLVED contained in DCID 1/7 (effective 5 October 1975), or which are marked for handling in special dissemination channels.

4. Questions concerning the implementation of this policy and these procedures shall be referred for appropriate action to the USIB Security Committee.